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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

7 DAVID GENE LANCASTER,

8 Plaintiff.

9 v.

10 DR. PUNG, et al.,

11 Defendants.

) No. C 09-3230 MMC (PR)

) **ORDER OF DISMISSAL**

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13 On July 15, 2009, plaintiff, a California prisoner incarcerated at the Correctional  
14 Training Facility at Soledad and proceeding pro se, filed the above-titled civil rights action  
15 pursuant to 42 U.S.C. § 1983. That same date, the Court notified plaintiff in writing that the  
16 action was deficient due to plaintiff's failure to pay the requisite filing fee or, instead, to  
17 submit a completed court-approved in forma pauperis ("IFP") application. Plaintiff was  
18 further advised that his failure to pay the filing fee or, alternatively, to file a completed IFP  
19 application, within thirty days, would result in dismissal of the action. Along with said  
20 notice, plaintiff was sent a copy of the court-approved prisoner's IFP application, instructions  
21 for completing it, and a return envelope.

22 More than thirty days have passed since the deficiency notice was sent to plaintiff and  
23 he has not filed an IFP application or paid the filing fee. Accordingly, the above-titled action  
24 is hereby DISMISSED without prejudice.

25 The Clerk shall close the file.

26 IT IS SO ORDERED.

27 DATED: August 26, 2009

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MAXINE M. CHESNEY  
United States District Judge